

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:	*	CASE NO. 16-04733 EAG
HAYDEE FRANQUI SANCHEZ	*	CHAPTER 7
DEBTORS	*	
<hr style="width: 40%; margin-left: 0;"/>	*	

OBJECTION TO CLAIMS NUMBERS 5,6,7 AND 8

TO THE HONORABLE COURT:

Now comes debtor, through the undersigned attorney and very respectfully prays and states as follows:

1. Manuel Monsegur Roche filed claim number 5 in the amount of \$475,000.00 as a secured claim.
2. Iván Monsegur Roche filed claim number 6 in the amount of in the amount of \$475,000.00 as a secured claims.
3. Maritza Monsegur Roche filed claim number 7 in the amount of \$475,000.00 as a secured claim.
4. Manuel Monsegur Gonzalez filed claim number 8 in the amount of \$475,000.00 as a secured claim.
5. Said claims were filed on April 26, 2021.
6. None of the above mentioned claims provide evidence of perfection of security interest as required by Bankruptcy Rule 3001(d). Neither an up to date certification from the Registry of the Property nor a recent title search has been provided to sustain the secured

status of said claims. The claims state that the basis for perfection is a writ of execution, but said documents in itself does not prove a secured status.

7. The bar date to file claims expired on March 6, 2017.
8. Said claims could only be allowed as unsecured claims. However, said claims are time barred. Pursuant to Article 1203 of the Civil Code of Puerto Rico personal actions are time barred after a period of four years. The judgment which gives rise to said claims is dated May 7, 2007 and the writ of execution June 5, 2015. More than four years elapsed from the bar date to the date of the filing of the claims.
9. Prescription, according to the case of Calidad Auto Sales v Wanda Ayuso Rivera, appeals Court KLCE 20181107, October 23, 2018, prescription is a substantive question of law which extinguishes the right to a claim.
10. Debtor received a discharge on January 23, 2020. Said discharge included all debts which had been scheduled which were unsecured. At the time of the filing of the above late claims the same had been already discharged.
11. Pursuant to 11 USC 726 a)3 the trustee may pay tardily filed claims pursuant to 11 USC 501(a) if they are allowed. But in this case the claims cannot be allowed because an objection to 11 USC 502 has been filed.

NOTICE: Within thirty days (30) days after service as evidenced by the certification, and an additional three(3) day pursuant to Federal Rural Bank P 2006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's Office of the Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed

unopposed and may be granted unless: (I) the requested relief is forbidden by law;(ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the court may schedule a hearing.

Negative Certification Pursuant to Section 201(B)(4) of the Service Member's Relief Act of 2003: We declare that according to the attached certification(s) provided by the Department of Defense Manpower Data Center(DMCD),the creditor(s) is (are) not in active duty or under as a member of the Army, Navy or Air Forces if the United States of America, National Guard, the Public Health Service of the National Oceanic and Atmospheric Administration.

WHEREFORE, it is respectfully requested from this Honorable Court that claims number **5,6,7 and 8 be disallowed in their entirety.**

CERTIFICATE OF SERVICE : I HEREBY CERTIFY: That on October 15, 2021 we electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent electronically though the CM/ECF System to Wigberto Lugo Mender , Chapter 7 Trustee, US Trustee, Attorney José R Cintrón, 605 Condado Suite 602, Santurce, PR 00907 representing creditors Maritza Monsegur Roche, Manuel Monsegur Roche, Ivan Monsegur Roche and Manuel Monsegur González and by regular mail to Maritza Monsegur Roche Urb. Alborada Calle 3F-4, Sabana Grande, PR 00637, Manuel Monsegur Roche, PO Box 4214, Mayaguez, PR 00681, Ivan Monsegur Roche, Parcelas San Romualdo Calle E Numero 50, Hormigueros, PR 00660 and Manuel Monsegur Gonzalez, Residencial Mar y Sol, Edificio 17 Apto. 127, Mayaguez, PR 00680.

In Mayaguez, Puerto Rico, this 15th day of October, 2021.

/s/Alberto O. Lozada Colón

**Alberto O. Lozada Colón
USDCPR 123811
PO Box 430
Mayaguez, PR 00681
Tel. 787-833-6323 Fax 833-7725
lozada1954@hotmail.com**



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-9542
Birth Date: Sep-XX-1962
Last Name: MARITZA
First Name: MONSEGUR
Middle Name:
Status As Of: Oct-14-2021
Certificate ID: 3F5W3H97X3031PJ

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-0292
 Birth Date: Mar-XX-1965
 Last Name: IVAN
 First Name: MONSEGUR
 Middle Name:
 Status As Of: Oct-14-2021
 Certificate ID: PC7HVB3Z21B47NB

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
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Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-9734
Birth Date: Dec-XX-1963
Last Name: MANUEL
First Name: MONSEGUR
Middle Name:
Status As Of: Oct-14-2021
Certificate ID: DJRSG5TMFBQ3GF0

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
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Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-5774
Birth Date: Sep-XX-1964
Last Name: MONSEGUR
First Name: MANUEL
Middle Name: ALBERTO
Status As Of: Oct-14-2021
Certificate ID: J8WXH93FBKS7PNY

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